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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,450

02/07/2006

Akiko Inoue

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4444

22850

7590

10/13/2009

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1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

ABEBE, DANIEL DEMELASH

ART UNIT

PAPER NUMBER

2626

NOTIFICATION DATE

DELIVERY MODE

10/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/567,450	<b>Applicant(s)</b> INOUE ET AL.	
	<b>Examiner</b> Daniel D. Abebe	<b>Art Unit</b> 2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5 9-11, 13, 16-19, 21, 24-27, 29-30, 33-36, 38-39 and 42, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller et al. (5,974,262) and in view of Mitsuyoshi (2003/0182123).**

As to claim 1, Fuller teaches (Fig.3) an information processing terminal, comprising:

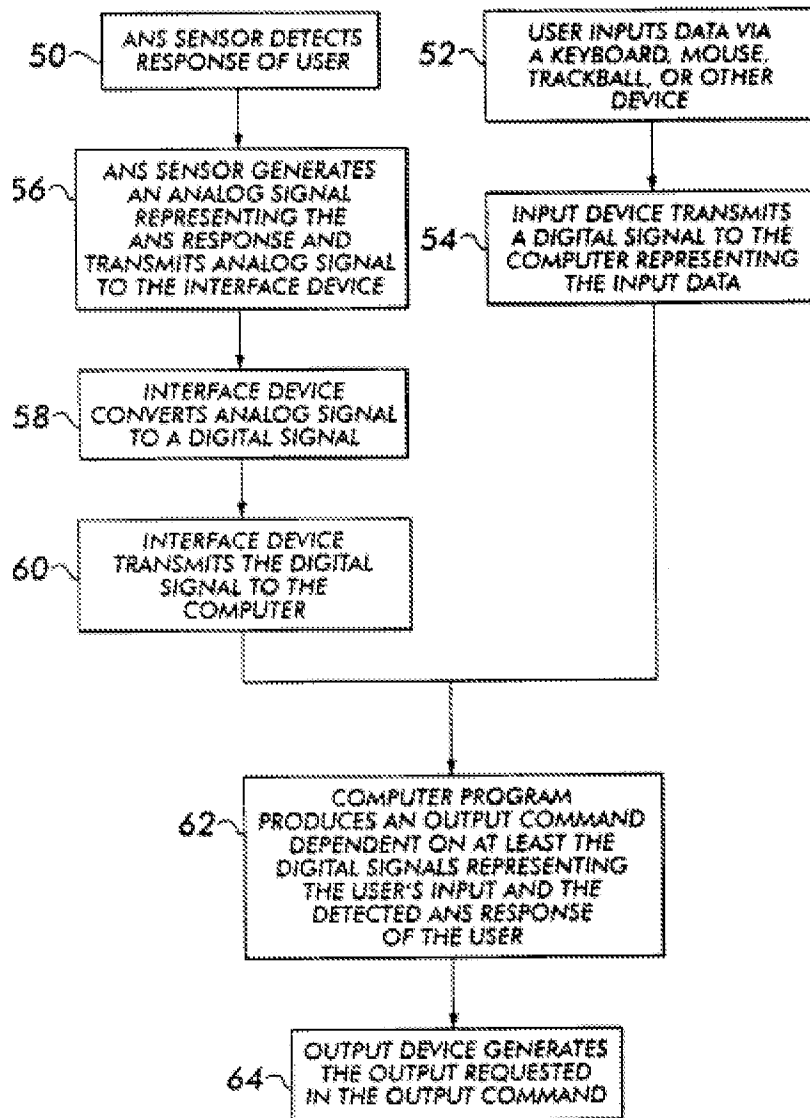
bio-information detecting means (50) for detecting bio-information on a user;

psychology analyzing means for analyzing the user's psychology corresponding to the detected bio-information;

output generating means for generating output matching the result of psychology analysis (62); and

output means (64) for providing the generated information as an output (abstract; Col.8, line 26-Col.9, line 10).

**FIG. 3**



It is noted that even though Fuller suggests where the generated output is used for conveying the detected emotion in e-mail type communication, he doesn't explicitly teach generating information matching the emotion result as claimed. Mitsuyoshi teaches an information processing terminal comprising user emotional state detecting

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means and information generating means where the generated information matches the user emotional state (Figs.1, 7-11; Par.0046, 0147-0148, 01520168-0169). The step of generating information as claimed would be obvious in Fuller, in view of Mitsuyoshi, for the purpose of providing feedbacks to the user in accordance to the state of his/her emotion.

As to claim 2, Fuller teaches wherein the bio-information is at least one or a combination of selected ones, selected from among sweating, heartbeat, blood pressure and brain wave (Fig.4; Col.6, lines 34-55).

As to claims 3-4, the data storage means would be obvious in Fuller system. The step of transmitting and receiving the physiological analysis of the user is shown in Fig.7 . Mitsuyoshi also teaches where the information generated is automatic suggesting from raw data available for the system.

As to claim 5, Mitsuyoshi teaches wherein the information generated by the information generating means include words (Par.0146-0152).

As to claim 7, Fuller teaches wherein the output means is displaying means for displaying the output (Fig.1, 20).

With regard to claims 9-11, 13, 16-19, 21, 24-27, 29-30, 33-36, 38-39 and 42, the corresponding system including an information providing device and information processing terminals for performing the steps claimed above are analogous and therefore rejected as being anticipated by Fuller and Mitsuyoshi for the foregoing reasons.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6, 12, 20, 28 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller and Mitsuyoshi as applied above, and further in view of Froloff (7,360,151).**

As to claim 6, Fuller doesn't explicitly teach generating sentences as claimed.

Froloff, however teaches an information processing terminal for generating custom specific sentences that reflects emotional state of the user for textual communications where the sentence is generated from words extracted and previously stored templates (Abstract; Figs.1-10; Col.12, lines 50-68). Combining the sentence generating step, which is disclosed by Froloff, into the Fuller communication system would be obvious to one of ordinary skill in the art for the purpose reducing the time and effort required for the user to write messages.

With regard to claims 12, 20, 28 and 37, the corresponding system including an information providing device and information processing terminals for performing the steps claimed in claim 6 is analogous and therefore rejected as being anticipated by Fuller in view of Mitsuyoshi and further in view of Froloff for the foregoing reasons.

**Claims 8, 14-15, 22-23, 31-32 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuller and Mitsuyoshi as applied above, and further in view of Oudeyer et al. (2002/0198717).**

As to claim 8, Fuller doesn't explicitly teach where the message is converted to speech.

Oudeyer, however, teaches an apparatus capable of audibly expressing an emotion comprising a sentence generation means where the generated sentence is converted into speech in a way emotional states are reflected (Par.0059; abstract). converting the text message into audio would be obvious in Fuller teaching for the purpose of conveying the message in audio form.

With regard to claims 14-15, 22-23, 31-32 and 40-41, the corresponding system including an information providing device and information processing terminals for performing the steps claimed in claim 6 is analogous and therefore rejected as being anticipated by Fuller, Mitsuyoshi and Oudeyer for the foregoing reasons.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 2002/0198717.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/  
Primary Examiner, Art Unit 2626